



UNITED STATES PATENT AND TRADEMARK OFFICE

mw
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,474	06/25/2001	Michael Stanley DeCourcy	A01057A	7564
21898	7590	04/07/2004	EXAMINER	
ROHM AND HAAS COMPANY PATENT DEPARTMENT 100 INDEPENDENCE MALL WEST PHILADELPHIA, PA 19106-2399			JOHNSON, JONATHAN J	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/887,474	Applicant(s) DECOURCY ET AL.	
	Examiner Jonathan Johnson	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7-11,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-3-03; 1-8-02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Claims 2, 3, 12, and 13 are drawn to the reaction chamber.
- II. Claims 4 and 14 are drawn to the inlet flow path.
- III. Claims 5 and 15 are drawn to the heat shield.
- IV. Claims 7-11 are drawn to the analysis system.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 6 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 1725

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Marcella Bodner on 3-15-04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-3, 6, 12 and 13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 5, 7-11, 14 and 15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobylinski (5,112,527). With respect to claim 1, Kobylinski teaches a lab-scale reactor unit, comprising: (a) a body of thermal insulating material (Figure 1, item 34 and col. 3, ll. 1-5), (b) a reaction chamber formed within said body of thermal insulating material (figure 1, item 12), (c) a pressure containment vessel disposed about said body of thermal insulating material (Figure 1, item 10), said pressure containment vessel having an inlet communicating with said reaction

chamber, said pressure containment vessel having an outlet communicating with said reaction chamber (Figure 1, items 16 and outlet), and (d) a quench cooler operatively connected to said outlet of said pressure containment vessel (Figure 1, quench water).

With respect to Claim 2, the teachings of Kobylinski are the same as relied upon in the rejection of Claim 1. Kobylinski teach the reaction chamber is formed by at least one hollow body of a heat-resistant material embedded in said body of thermal insulating material (col. 8, ll. 30-35).

With respect to Claim 3, the teachings of Kobylinski are the same as relied upon in the rejection of Claim 1. Kobylinski teach the reaction chamber is formed as a void in said body of thermal insulating material (figure 1, item 34 and void).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylinski (5,112,527) in view of Kanne et al. (4,804,725). With respect to Claim 6, Kobylinski teaches a lab-scale reactor unit, comprising: (a) a body of thermal insulating material (Figure 1, item 34 and col. 3, ll. 1-5), (b) a reaction chamber formed within said body of thermal insulating

Art Unit: 1725

material (figure 1, item 12), (c) a pressure containment vessel disposed about said body of thermal insulating material (Figure 1, item 10), said pressure containment vessel having an inlet communicating with said reaction chamber, said pressure containment vessel having an outlet communicating with said reaction chamber (Figure 1, items 16 and outlet), and (d) a quench cooler operatively connected to said outlet of said pressure containment vessel (Figure 1, quench water), (e) an inlet line connected to said inlet of said pressure containment vessel (figure 1, inlet), (f) an outlet line connected to said outlet of said quench cooler (figure 1, outlet). Kanne et al. teach (g) a pressure control valve disposed in said outlet (col. 5, ll. 20-25) and (h) a first pressure relief device connected to said outlet line, intermediate said pressure control valve and said outlet of said quench cooler, or said inlet line proximate said inlet of said pressure containment vessel, (col. 4, ll. 60-70). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the reactor of Kobylinski to utilize a pressure relief valve and the isolation valves in order to isolate the reactor and allow built up pressure to be expelled (col. 4, ll. 45-67)

With respect to Claim 12, the teachings of Kobylinski are the same as relied upon in the rejection of Claim 6. Kobylinski teach the reaction chamber is formed by at least one hollow body of a heat-resistant material embedded in said body of thermal insulating material (col. 8, ll. 30-35).

With respect to Claim 13, the teachings of Kobylinski are the same as relied upon in the rejection of Claim 6. Kobylinski teach the reaction chamber is formed as a void in said body of thermal insulating material (figure 1, item 34 and void).


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177. The examiner can normally be reached on M-Th 7AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jonathan Johnson
Examiner
Art Unit 1725